

PEREZ PEDRO #9001000513

Plaintiff Pro Se
1600 HAZEN ST.
EAST ELMHURST
NY 11370

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 22 2010 ★

BROOKLYN OFFICE
SEPT. 4, 2010.

HON. LOIS BLOOM
US MAGISTRATE JDE.

EASTERN DIST. OF N.Y.
225 CADMAN PLAZA EAST
BROOKLYN, NY 11201

10 CV 3750 (DLI)(LB)

RE: PEREZ v. 83rd PRECINCT OFFICERS IDENTIFIED TO INTERNAL AFFAIRS

PUR: IN RESPONSE OF LETTER DATED AUGUST 31, 2010., OF ASST. CORP.
COUNSEL ATTORNEY OFFICE OF MICHAEL A. CARDOZO.

DEAR HONORABLE MAGISTRATE JUDGE, LOIS BLOOM:

1. IN CONTEMPLATION OF ASST. CORP. COUNSEL ATTORNEY OFFICE OF MICHAEL A. CARDOZO. THIS LETTER HAS OPENLY CONTRADICTED U.S. MAGIS -TRATE LOIS BLOOM ORDER DATED 19th OF AUGUST, 2010., THIRD PHARAGRA PH, SECOND SENTENCE, STATTING, "THE OFFICE OF THE CORP. COUNSEL NEED NOT UNDERTAKE TO DEFEND OR INDEMNIFY THESE INDIVIDUALS AT THIS JUCT -URE.

2. IN CONTEMPLATION OF ASST. CORP. COUNSEL ATTORNEY OFFICE OF MICHAEL A. CARDOZO HAS FULLFILLED ONLY ONE, (DET. HENRY), IDENTITY, HERE THEN NOT FULLFILING ORDER BY U.S. MAGISTRATE LOIS BLOOM DATED 19th OF AUGUST, 2010., THIRD PHARAGRAPH, FIRST SENTENCE, STATING, "PUSUANT TO VALENTIN v. DINKINS, 121 F3d 72 (2d Cir. 1997), THE COURT REQUESTS THE OFFICE OF CORP. COUNSEL TO PROVIDE THE FULL NAMES AND CORRECT ADDRESSES, SHIELD NUMBERS FOR THE TWO POLICE OFFICERS AND SEGEANT BY SEPT. 1, 2010.

3. § 2701 IN CONTEMPLATION OF; THAT WHOMEVER INTENTIONALLY WITHO -UT AUTHORIZATION WARRANT UNLAWFULLY REQUESTS ACCESS TO STORED DOCU -MENT INFORMATION, ALTERS EVIDENCE INFORMATION AND PRESENTS IT TO THE JURY IS, " THE FRUIT OF THE POISONOUS TREE ", PEOPLE v. ROBINSON.

4. IN CONTEMPLATION OF APPLICATION OF THE ABOVE, 1 TO 3, AND APPL -ICATION REQUEST DATED AUGUST 31, 2010., BY MICHAEL CARDOZO TO "STAY PRESENT CIVIL ACTION PROCEEDINGS", INTERFERES INTERNAL AFFAIRS FORMA INVESTIGATION INFORMATION THEREFORE REQUEST TO

"STAY PRESENT CIVIL PROCEEDING ACTION", IS NOT APPROPRIABLE FOR THE CRIMINAL MATTER THAT DOES AFFECT THE SUBSEQUENT DISCOVERY IN THIS MATTER.

IN THAT PRESENT CIVIL PROCEEDING IN ITS ENTIRETY WILL PROVIDE PROBUS AND ABSOLUTION OF CRIMINAL PROSECUTION IN NEW YORK STATE COURT; THAT SUCH PREVIOUS FACTS SUFFICED DISCOVERY BASIS CLAIMS IN THIS CASE.

I THANK YOU SO VERY MUCH FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

RESPECTFULLY SUBMITTED,

Perez Pedro Jr.
PEREZ PEDRO JR.

cc: BY MAIL
MICHAEL A. CORDOZO
THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

P.S.

THUS HERETOFORE PLAINTIFF ASKS HON. MAGISTRATE JUDGE
LOUIS BLOOM FOR PERMISSION OF AN AMENDED COMPLAINT;
IS APPLICABLE.

The People of the State of New York

VS.

PEDRO PEREZ JR.

NOTICE OF MOTION FOR LEAVE
TO SERVE LATE NOTICE OF
CLAIM 10 CV 3750 (DLI)(LB)

INDEX NO. _____

Sirs:

PLEASE TAKE NOTICE THAT THE ABOVE NAMED DEFENDANT PEDRO PEREZ JR. WILL MOVE THIS COURT UPON THE ANNEXED AFFIDAVITS HERETO ATTACHED AND DULY SWORN TO BY NOTARY PUBLIC SUCH EXERCISED MOTIONS FORWARDED AFTER A COMPLAINT TO INTERNAL AFFAIRS AND UPON ANNEXED COPY OF THE PROPOSED NOTICE OF CLAIM DULY VERIFIED THE 09 DAY OF AUG., 2010., AT A SPECIAL TERM PART 20 OF THE SUPREME COURT HELD IN AND FOR THE COUNTY OF KINGS AT THE COURT HOUSE IN 320 JAY ST, NEW YORK, ON THE AFTERNOON AT THAT DAY OR AS SOON THEREAFTER AS COUNSEL CAN BE HEARD FOR AN ORDER PURSUANT TO SECTION 50-e, SUBDIVISION 5 OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK, GRANTING LEAVE AT THIS TIME TO SERVE THE ANNEXED PROPOSED NOTICE OF CLAIM BEING AFTER THE EXPIRATION OF THE STATUTORY PERIOD FOR SUCH SERVICE SPECIFIED IN SUBDIVISION 1 OF THE SAID SECTION 50-e OF THE GENERAL MUNICIPAL LAW AND FOR SUCH OTHER AND FURTHER RELIEF AS THE COURT MAY SEEM JUST AND PROPER. PLEASE TAKE FURTHER NOTICE THAT AS THE WITHIN MOTION PAPERS ARE SERVED UPON YOU AT LEAST TEN DAYS BEFORE THE RETURN DATE HERETOFORE, YOU ARE HEREBY REQUESTED TO SERVE ANSWERING AFFIDAVITS, IF ANY, AT LEAST FIVE DAYS BEFORE THE RETURN DATE PURSUANT TO CIVIL PRACTICE LAW AND RULES.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

10 CV 5961

-----X
PEREZ PEDRO JR.,

Plaintiff,

-against-

83RD PRESINCT POLICE OFFICERS
IDENTIFIED TO INTERNAL AFFAIRS,

Defendants.
-----X

TRANSFER ORDER

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff, presently incarcerated at Rikers Island, brings this *pro se* action pursuant to 42 U.S.C. § 1983 alleging violations of his rights in Brooklyn, New York.¹ For the following reasons, this action is transferred to the United States District Court for the Eastern District of New York.

Under 28 U.S.C. § 1391, a § 1983 action may be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” Since Plaintiff alleges that a substantial part of the events or omissions giving rise to his claims occurred in Kings County which is located in the United States District Court for the Eastern District of New York, the action should be and hereby is transferred to the Eastern District of New York. 28 U.S.C. §§ 1391(b), 1406(a).

The Clerk of this Court shall file and docket the complaint without payment of fees. Whether Plaintiff should be permitted to proceed further without payment of fees is a

¹ The Court received the Complaint on June 30, 2010.

determination to be made by the transferee court.² That provision of Rule 83.1 of the Local Rules for the Southern District of New York which requires a seven day delay is waived. A summons shall not issue from this Court.

SO ORDERED:


LORETTA A. PRESKA
Chief United States District Judge

Dated: **AUG 09 2010**
New York, New York

² The Court leaves enforcement of the Prison Litigation Reform Act of 1995 ("PLRA") requirements to the transferee court.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

VS.

PEREZ PEDRO JR.

Affidavit in support of
Motion for leave to serve
Late notice of claim
INDEX No. _____

10 CV3750(DLI)(LB)

STATE OF NEW YORK }

COUNTY OF BRONX }

ss:

I PEREZ PEDRO JR., BEING DULY SWORN, DEPOSES AND SAYS:

1. YOUR DEPONENT RESIDES IN THE CITY OF NEW YORK, COUNTY OF BRONX AND STATE OF NEW YORK.
2. YOUR DEPONENT MAKES THIS AFFIDAVIT IN SUPPORT OF AN APPLICATION UNDER GENERAL MUNICIPAL LAW, SECTION 50-e, SUBDIVISION 5, FOR LEAVE TO SERVE AFTER THE STATUTORY PERIOD A NOTICE OF CLAIM FOR DAMAGES AGAINST NEW YORK CITY OF BROOKLYN NEW YORK STATE RESULTING FROM PERSONAL INJURIES SUFFERED BY TWO OFFICERS IN A BLACK VAN.
3. YOUR DEPONENT MAKES THIS APPLICATION AS THE SECOND SUBMISSION.
4. UPON INFORMATION AND BELIEF, THE SAID PETITIONER SUSTAINED INJURIES OF ASSAULT FALSE ARREST AND ILLEGAL IMPRISONMENT, RUPTURE OF INTERNAL SUTURE OF PETITIONER MAYOR SURGERY AT APPROX. 10:00 OCLOCK ON JUNE 19th 2010., IN BROOKLYN NEW YORK.
5. THE SAID INJURIES ARE OCCASIONED BY THE NEGLIGENCE, OMISSIONS AND MISCONDUCT OF TWO OFFICERS IN A BLACK VAN OF THE 83rd PRESINCT.
6. NOTICE OF CLAIM AGAINST THE PEOPLE OF THE CITY AND THE STATE OF NEW YORK HAS NOT BEEN SERVED AND THE NINETY DAYS ALLOWED BY STATUTE FOR SERVING THE SAME HAS EXPIRED. FAILURE TO SERVE THIS CLAIM CAME ABOUT FROM THE FOLLOWING FACTS: ON DECEMBER 28, 2009. TO APROX. MARCH 8th A COMPLAINT WAS FILED TO INTERNAL AFFAIRS IN RESPECT OF TWO OFFICERS IN A BLACK VAN. PRESENTLY RE-ARRESTED BY THE SAME

As sworn before me this 19th day of
Aug. 31 2010 by Perez Pedro Jr.

MICHAEL S. INCLAIR

Notary Public, State of New York

No. 01514953552

Qualified in Bronx County

Michael S. Inclair

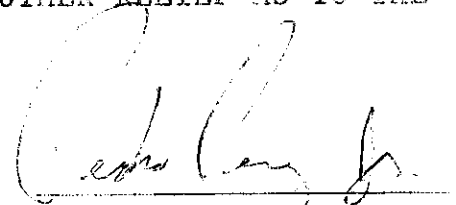
[Signature]

TWO OFFICERS IN A BLACK VAN FROM THE 83rd PRESINCT IDENTIFIED TO INTERNAL AFFAIRS BEFALL THE DEFENDANTS DUE TO THE FACT THAT: DEFENDANT IS NOT GUILTY AND INNOCENTLY MALICIOUSLY CHARGED BY THE OFFICERS OF THE 83rd PRESINCT WHOM THEY PROCEEDED TO TRANSFER TO A DETECTIVE NAMED HENRY. IN THAT A SUM OF ARRESTS HAVE BEEN DONE AND CASES HAVE BEEN DISMISED AFTERWORDS OFFICERS ARRESTED DEFENDANT AGAIN DEFENDANT NEVER WAS PROPERLY DEFEND BY LAWYER WHOM NEVER SUPRESED EVIDENCE AT THE RIGHT TIME OFFICERS PRODUCED FRAUDALENT EVIDENCE AT TRIAL. PRESENTLY DISTRICT ATTORNEY HAS ALTERED EVIDENCE THAT PROVES DEFENDANTS INNOCENCE. DEFENDANT HAS BEEN GRANTED DUCES TECUM TO PRODUCE AND COLLECT ALL COPIES AND VIDEO SURVAILLANCE ALSO DEFENDANT IS INCLUDING ATACHED LETTERS TO SUFICE HIS ALLEGING CLAIMS AGAINST THE TWO OFFICERS FROM THE 83rd PRESINCT IDENTIFIED BY INTERNAL AFFAIRS.

8. A COPY OF THE NOTICE OF CLAIM TO BE SERVED IS HERETO ANNEXED

9. THAT A PREVIOUS APPLICATION FOR THE RELIEF SOUGHT HEREIN HAS BEEN MADE.

WHEREFORE, DEPONENT REQUESTS THAT AN ORDER BE ENTERED PERMITTING THE SERVICE AT THIS TIME OF A NOTICE OF A CLAIM, A COPY OF WHICH IS HERETO ANNEXED AND FOR SUCH OTHER AND FUTHER RELIEF AS TO THE COURT MAY SEEM JUST AND PROPER.



1600 Hazen St.
EAST ELMHURST
N.Y. 11370

SWORN TO BEFORE ME THIS
DAY OF _____.

Dec. 1

notary public

AFFIDAVIT OF SERVICE+

STATE OF NEW YORK }
COUNTY OF KINGS } SS.

NOTICE OF MOTION FOR LEAVE
TO SERVE LATE NOTICE OF CLAIM.

I, PEDRO PEREZ JR., BEING DULY SWORN, DEPOSES AND SAYS:

That I have on this 19 DAY OF AUG 2010., PLACED AND SUBMITTED THE
WITHIN 3 COPIES OF MOVING PAPERS TO THE DULY MAILED VIA UNITED STA
TES POSTAL SERVICE, THROUGH THE INSTITUTIONAL MAILROOM AT O.B.C.C.
CORR. CENTER, TO THE FOLLOWING PARTIES;

SECTION CHIEF
US DEPT. OF JUSTICE
SPECIAL LITIGATION SECTION
CIVIL RIGHTS DIVISION
950 PENSSYLVANIA AVE., N.W.
WASHINGTON DC 20530

ANDREW CUOMO
ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GEN.
120 BROADWAY 24th FL.
NEW YORK N.Y. 10271-0332

~~WILLIAM G. THOMPSON JR.~~
~~N.Y.S. COMPTROLLER~~
~~110 STATE STREET~~
~~ALBANY NEW YORK 12236~~

~~THE LAW DEPT. OF THE~~
~~CITY OF NEW YORK~~
~~OFFICE OF THE CORP. COUNSEL~~
~~100 CANAUA ST.~~
~~NEW YORK, NY 10069~~

~~ATTORNEY GENERAL OF THE~~
~~UNITED STATES~~
~~DEPT. OF JUSTICE~~
~~950 PENNSYLVANIA AVE., N.W.~~
~~WASHINGTON, DC 20530-0001~~

[Handwritten signature: Pedro Perez Jr.]

*As Sworn before me
this 19th day of August 2010
by - Pedro - Perez -*

[Handwritten signature: Michael Sinclair]
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MICHAEL SINCLAIR
Notary Public, State of New York
No. 01S14953552
Qualified in Bronx County
Commission Expires Aug. 12, 2013